

Remarks

Claims 7, 26-29 and 32 are pending in the subject application. By this Amendment, Applicants have amended claims 7, 26-29 and 32 and added new claims 33-49. Support for the amendments and new claim can be found throughout the subject specification and in the claims as originally filed (see, for example, page 27, paragraph 2 and Examples 1 and 7 of the as-filed specification). Entry and consideration of the amendments presented herein is respectfully requested. Accordingly, claims 7, 26-29, 32 and 33-49 are currently before the Examiner. Favorable consideration of the pending claims is respectfully requested.

By way of this amendment, Applicants have revised the claim of priority. Support for the language added in the last sentence of the priority claim can be found, for example, at page 1 of the originally filed application.

Applicants gratefully acknowledge the Examiner's withdrawal of the rejections under 35 U.S.C. § 112, first paragraph.

Claims 7, 26-29 and 32 are rejected under 35 U.S.C. § 112, second paragraph, as indefinite in the recitation of "a propylene glycol solvate of celecoxib sodium trihydrate characterized by a PXRD pattern" and "a propylene glycol solvate of a sodium salt of celecoxib characterized by a PXRD pattern" because the stoichiometric ratio of: (propylene glycol to celecoxib to sodium and 3 molecules of water); and the stoichiometric ratio of: (propylene glycol to celecoxib to sodium) is not defined. The Office Action indicates that in view of the recitation and the definition of a solvate as requiring ingredients in definite proportion, it is unclear what the scope of ratios for the propylene glycol solvate is intended to be embraced by the claim. Applicants have amended the claims in accordance with the suggestion of the Examiner and submit that this issue is now moot. Accordingly, reconsideration and withdrawal of the rejection under 35 U.S.C. § 112, second paragraph, is respectfully requested.

Claims 7, 26-29 and 32 are rejected under 35 U.S.C. § 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention. The Office Action states that it is unclear what scope of stoichiometric ratios for the propylene glycol solvates is embraced by the claims. Applicants respectfully assert that

there is adequate written description in the subject specification to convey to the ordinarily skilled artisan that they had possession of the claimed invention; however, in the interest of advancing prosecution in this matter, the claims have been amended to recite the stoichiometric ratios of compounds in the solvate and reconsideration and withdrawal of the rejections under 35 U.S.C. § 112, first paragraph, is respectfully requested.

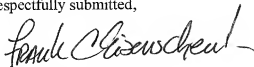
It should be understood that the amendments presented herein have been made solely to expedite prosecution of the subject application to completion and should not be construed as an indication of Applicants' agreement with or acquiescence in the Examiner's position. Applicants expressly reserve the right to pursue the invention(s) disclosed in the subject application, including any subject matter canceled or not pursued during prosecution of the subject application, in a related application.

In view of the foregoing remarks and amendments to the claims, Applicants believe that the currently pending claims are in condition for allowance, and such action is respectfully requested.

The Commissioner is hereby authorized to charge any fees under 37 CFR §§1.16 or 1.17 as required by this paper to Deposit Account No. 19-0065.

Applicants invite the Examiner to call the undersigned if clarification is needed on any of this response, or if the Examiner believes a telephonic interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,



Frank C. Eisenschenk, Ph.D.

Patent Attorney

Registration No. 45,332

Phone No.: 352-375-8100

Fax No.: 352-372-5800

Address: P.O. Box 142950

Gainesville, FL 32614-2950

FCE/sl